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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA, } CR No. 07-0653-SI
17 Plaintiff, } STIPULATION AND [PROPOSED] ORDER
18 v. } EXCLUDING TIME UNDER 18 U.S.C. § 3161
19 ABEL LOPEZ-MENERA, }
a/k/a Jose Lopez-Martinez, }
a/k/a Bernabe Banderas Lopez, }
21 Defendant. }
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23 On November 16, 2007, the parties in this case appeared before the Court and stipulated
24 that time from November 16, 2007 through November 30, 2007 should be excluded from Speedy
25 Trial Act calculations because defense counsel needs adequate time to prepare pretrial motions.
26 The parties represented to the Court that the length of the requested continuance was the
27 reasonable amount of time necessary for effective preparation of defense counsel, taking into
28 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed

1 that the ends of justice served by this continuance outweighed the best interests of the public and
2 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3 The parties also note that time will be excluded under the Speedy Trial Act, 18 U.S.C. §
4 3161(h)(1)(F), from November 30, 2007, when the defendant files his pretrial motions, until the
5 day the Court decides the motions, currently scheduled for December 20, 2007.

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7 SO STIPULATED:

8 Respectfully submitted,
9 SCOTT N. SCHOOLS
United States Attorney

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11 DATED: November 26, 2007

12 /s/
TAREK J. HELOU
13 Assistant United States Attorney

14 DATED: November 26, 2007

15 /s/
ELIZABETH FALK
16 Attorney for Defendant Abel Lopez-Menera

17 As the Court noted on November 16, 2007, and for the reasons stated above, the Court finds
18 that the ends of justice served by the requested continuance outweigh the best interests of the
19 public and the defendant in a speedy trial. The Court also finds that time from November 16,
20 2007 through November 30, 2007 should be excluded from Speedy Trial Act calculations for
21 effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the
22 requested continuance would deny defense counsel reasonable time necessary for effective
23 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
24 of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

25 The Court notes that time from November 30, 2007 through the day the Court decides the

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1 Defendant's motions, currently scheduled for December 20, 2007, also will be excluded from
2 Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(1)(F).

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4 SO ORDERED.

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6 DATED: _____

7 THE HONORABLE SUSAN ILLSTON
United States District Judge

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